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did it rightly understand itself, it were no more than every man claims when he says, for example, that it is wicked to marry one's sister; for he will listen to no argument on the subject. He will, indeed, permit the student of ethics to discuss the precept; and is willing, in advance of the practical emergency, to be influenced by his studies; but he will not listen to argument on the occasion of the question taking a practical shape. At that moment his conscience claims momentary infallibility, and will entertain no new doctrine. The Church claims infallibility in what respect? In respect to the conduct of the faithful, including their mental conduct. Infallibility being limited to that, and no more being claimed, merely means that the faithful ought not to do or believe what the Church forbids, if they can help it. It does not follow from this that the injunction can never on another occasion be reversed. Limited, as it is, to the conduct, bodily and mental, of the faithful, it is only *practical* infallibility. Let it recognize itself to be of that nature; let it, in an age that measures the distances of the fixed stars, not claim to be immeasurably certain; let it be wisely exercised and not attempt to stretch itself beyond the bound which the nature of the human mind forbids it to transgress, under pain of futility and everlasting ridicule: let it promise not to interfere with the free work of science, and it may even yet recover the respect of mankind.

*A History of Auricular Confession and Indulgences in the Latin Church.* By HENRY CHARLES LEA, LL.D. (Philadelphia: Lea Brothers and Co. 1896. Three vols., pp. xii, 523; viii, 514; viii, 629.)

EVERY work from the pen of Dr. Lea is awaited by students of church history with eager and confident expectation. Not only is he the first American scholar in this field, but for command of material and thoroughness of investigation he has there no living superior. The volumes now before us will not disappoint this expectation. They separate naturally into two parts, the first two being devoted to the former of the subjects named in the title, the auricular confession, while the third contains the treatment of indulgences. Considering first the subject of confession, we find that the central point of Dr. Lea's interest in these two volumes is the nature of the Roman ethical theory. His treatment of the institution of the confessional is really only a basis and an illustration of this larger idea. He is not primarily concerned with the obvious dangers of an institution through which a class of highly trained human guides undertakes to govern the conduct of all the rest of mankind, though he is plainly interested in this aspect of the case as well. Rather he desires to examine the principles according to which this class of professionals try to determine in specific cases what a human being may properly do and leave undone.

Obviously we are not here concerned with exact science. The data of

ethics are themselves precisely the most difficult part of the subject, and whatever appearance of precision a system of ethics may have, there always remains the possibility—nay, the certainty—that the underlying data will be questioned, and that, in so far as the questioning takes place, the system itself will go to pieces. Evident as all this is, the history of confession shows that the Roman Church, both officially and unofficially,—through its judicial organs, that is, and through its scholars,—has steadily aimed at making precise what it has all along felt could never lend itself to precision. It has been bound to appear infallible, as courts of law must always be; but it has also felt that the human will was a feeble and uncertain agency, and so to be tenderly handled. A system it must have, but the bases of the system must not be too rigidly built. It is this continual interplay of human passion with the stern requirements of a code claiming to be divine and an administrative machinery which can only cover its frailty by the same claim of divinity, that lends to all study of the church law its peculiar fascination.

The character and the value of Dr. Lea's work cannot better be shown than by following the line of thought just indicated. He aims first of all to lay broad and firm the historical foundation of the confessional. He of course rejects all idea of a specific divine ordination, which would simply remove the whole subject from the field of historical inquiry, and examines the earliest indications of the idea that the Christian Church was a disciplinary institution. He finds here no indication that the control of the Church over its members had any reference to the forgiveness or remission of sins. What the Church originally aimed at was rather reconciliation than absolution. It laid down, as every association of men must do, the terms of its own membership, and, when these were violated, it declared the terms upon which the offender might be received again into its common life. Now one of the conditions of this reception was—and this almost as a matter of course—some more or less formal acknowledgment of wrong and of intention to conform to rules in the future. Here is the germ of the later confession. Assuming what we may now fairly describe as the historical conception of the early Church, the author goes on to show that the Church—*i.e.* the body of Christians—was the organ of this primitive "confession." The person disciplined acknowledged his fault to the community, publicly. There was no intermediation of the priest, excepting, indeed, as the presiding officer of the assembly; with increased organization, and especially with the development of "heresy," all this question of purity in membership became more acute, but it never involved the idea of privacy or of personal relation between penitent and priest until long after the early trial of the Church was over, and the triumph of the priestly idea had begun. In the long period down to the thirteenth century two parallel currents of ideas on this point are discernible. On the one hand we find a growing priestly class claiming for itself an ever larger and larger function as a mediator between sinful man and a forgiving God; on the other hand we find a steady resistance to this notion,

and a continued repetition by the best minds of the principle that the individual soul must seek its reconciliation with God alone.

It is in the course of this conflict that the practice of auricular confession is developed. Its early motive is curiously expressed in a letter of Leo I., in 452. He forbids the reading of public confessions, not, as the later idea would have it, because of any specific absolving power of the priest, but because fear of exposure was keeping many from acknowledging their sins. It is enough if a man confess first to God and then to the priest. Even then its growth was gradual. Dr. Lea's argument here is from the frequency of repetition of the requirement for stated confession, a negative argument always to be used with caution. He fortifies it, however, with some convincing illustrations, as, *e.g.*, the persistency of public confession in the monastic orders until the increase of the sacramental idea in connection with penance made it doubtful whether such public confessions were sacramental enough in character to make them "good." The substitution of private for public confession in the orders brought in a new set of troubles, and was at least coincident with the weakening of discipline which marked their decline. The triumph of the confessional as a necessary step in deliverance from sin is as late as the twelfth century. It came with the formulation of the great mediæval sacramental system, in popular form, and its elaboration by the schoolmen. Until then it had been taken too seriously to become popular. Now it was seen that it might be adapted to human frailty, and its popularity was secure.

Dr. Lea reaches this point at about the middle of the first volume, the rest of which is occupied by a very careful examination of the growth of detail in connection with the act of private confession. He discusses here questions of jurisdiction, especially the rivalry of the regular and the secular clergy, and of "reserved cases," whereby the power of the parish priest was prevented from reaching so great a height as it at first threatened to do. His examination of the detail of the confessional act itself, the attempts to define it and to render it complete and effective, is very thorough and immensely suggestive; but perhaps the most generally interesting chapter in this volume will be that on the "seal," the implied contract with the penitent that his confession shall be kept with inviolable secrecy. Nowhere else is the terrible strain on human nature, implied in the whole confessional system, more evident than here. The principle may be very simply stated, but the complications arising under it are infinite, and it is not surprising that men were led to the most painful stretching of common morality in their struggle to maintain so unnatural a relation. We owe an obligation to Dr. Lea that he has resisted all temptations to ornament his pages with stories of violated confessions, of which the scandal-monger may elsewhere find enough.

The second volume deals with the vast multitude of philosophic and ethical aspects opened up by the practice of confession and the consequent attempts at defining the whole penitential process. The infinite variety of human action, and the possibility that every action might involve

a sin, drove the doctors and the clergy who resorted to them for advice to their wits' end to keep up the ever shifting balance between right and wrong. Indeed, we may well wonder with Dr. Lea whether these hair-splitting theologians had any conception of permanent moral distinctions. Given a rigid system of divine ordinances, and over against them frail human nature, and we can well understand that a church which cares for the souls in its charge would go all lengths of leniency in interpreting the law so as to meet the demand of human weakness. Dr. Lea works up his subject from the chapter on the penitential system to that on probabilism and casuistry with quite convincing force. By the time he has shown us the vast range of activity to be covered by the tribunals of the Church, the infinite refining upon human sinfulness, the distinctions between mortal sins and venial sins, between sins theological and sins philosophical, we are tempted to believe that men were simply trying to make sin as convenient and as safe as possible, and were totally without guiding principles of judgment. We believe, however, that this conclusion would be wrong. Doubtless the mechanical system of the Roman ethics led inevitably to vast and terrible evils. Its very formality seemed to take the weight of sin off the shoulders of the individual and throw it upon the institution. Yet it would be possible always to find such men as Dr. Lea enumerates in the concluding chapter of his second volume, men like Baronius, Ximenes, and Fénelon, who interpreted the awful responsibilities of the confessional with a simple directness which shames all the ethics of the schools. The error of this over-refined morality was after all only that of every moral theory which dares to trifle with the plain dictates of conscience when it comes face to face with temptation. "But surely," the casuist would reply, "the conscience needs education, and who so fit to educate it as they who through experience and training have sounded all the deeps and shoals of human motive." So that we are inevitably brought round again to the one fundamental error of the whole confessional theory—the notion that there can be a body of men suited to so delicate a function. That the confessional has succeeded only under the most favorable conditions of an ignorant, simple, and well-meaning people on the one hand, and a pure, direct, and self-distrustful clergy on the other, is not strange. The only wonder is that it could succeed at all. When these conditions are changed, and we have on the one hand a world enlightened, complicated, and self-seeking, and on the other a clergy corrupt, trained in scholastic sophistry, and bound to maintain its own interest at all hazards, the strain is more than can be borne. Dr. Lea's chapter on probabilism and casuistry is a masterly presentation of the subtleties of a desperate logic, wherein an honest man could not venture without deadly peril to his honesty. Yet there is no question that much of this apparently unscrupulous twisting of plain common sense was a praiseworthy effort to work out of a moral muddle along the same road by which men had got into it. To have done otherwise, to have struck off on the straight right angle of simple honesty, would have meant revolution, and revolutions are long in the breeding.

The third volume is devoted to the subject of indulgences as flowing naturally from the theory of penance defined and illustrated in the two former ones. Dr. Lea begins, as before, by disposing of the argument that indulgences are of original, divine institution, and then directs his inquiry to ascertaining precisely by what historical process the idea which underlies them made its way into the practice of the Church. That idea is that after a due penance has been properly imposed the whole or any part of that penance may, upon a suitable consideration, be remitted by the Church, as the divinely appointed administrator of this great trust. This remission is the indulgence.

So far we have nothing new. Dr. Lea's service is not in making a definition, but in showing the process by which the thing, here so simply defined, came to mean so vastly more, that men, both within and without the Roman Church, have at times quite forgotten the simplicity of its origin. The Church, as administrator of a grace of God, was bound to have some theory of the basis for its action, and in time two such bases were evolved,—one the general principle of the keys, the binding and loosing function, which covered also the whole process of absolution ; the other the theory of the "heavenly treasury." This latter idea is shown by Dr. Lea, and is indeed recognized by candid Catholics, to be a pure invention or discovery of a very late date. It proved so effective that it rapidly overgrew all other forms of sanction and took on shapes of incredible diversity as ever new cases offered themselves for its practical application.

This volume is chiefly occupied with the detail of this extension. Beginning simply enough with the liberation of an individual from the burden of a heavy penance on condition of the performance of some "work" for the advancement of religion or morality, the meaning of the "work" was extended to a money payment, always with the understanding that the money was to be applied to a religious purpose. Then, as the doctrine of purgatory was evolved, the purgation of the soul after death was easily conceived of as precisely similar to the condition of penance in the living and therefore as subject to the same theory of remittance ; but, since the dead could do nothing for themselves, it was easily established that a man might anticipate his purgation and shorten it by suitable provision during his life, and then once more, since no one could be sure that his probation was all provided for, it must be that a way of relief was open to him through the action of his survivors.

In all this there was no idea which, however resisted at first, could not be made acceptable to the kind of minds to which it was addressed, and from about the twelfth century the system made very rapid strides. Dr. Lea has brought to bear upon his subject almost every possible illumination from the history of the time, but one point of view he has not developed, though it can hardly have escaped him,—the immense economic advance of Europe under the lead of Italy at precisely the time when this essentially commercial aspect of the Church's function was put most prominently forward. The substitution of a money payment for a spiritual penalty could

hardly have become popular until the European peoples were familiarized with the freer use of money in all other transactions. The great banking houses of the rising Italian cities furnished a practical working model on which men could construct their notions of the vaster banking system of the heavenly treasury.

Here, rather more than in the first part, the order of treatment is chronological. One gains an impression of unity somewhat lacking in the earlier volumes. The picture left in one's mind is that of a perfectly well-conceived purpose to take advantage of every circumstance, both in the conditions of the world and in the internal policy of the Church itself, to exploit to the utmost this unparalleled control of a single human power over the destinies of men. So complete is this impression of continuity that, as one is carried along by Dr. Lea to the very latest utterances of the Roman power, one is left to wonder what will come next. For these very latest nineteenth-century declarations of indulgence are as extravagant and as unlimited as any ever put forth. The method is more decent, as are the times, but there has been absolutely not one change of theory to meet the advancing thought of our day.

In spite of the subjects of controversy with which this special topic fairly bristles, Dr. Lea maintains to the last word the same attitude of scholarly simplicity and directness with which he began. His aim is to get all the clearness possible into a subject where every detail has been disputed, and where hardly any point has been authoritatively fixed. His definitions are drawn, so far as possible, from the accepted Roman jurists and theologians; yet he constantly emphasizes the lack of certainty upon questions which the average man would regard as the most vital. Here, for example, is a system of book-keeping in which the account is kept in terms of numbers and periods of time; and yet, between the several elements of the computation, the amount of sin in the individual, the length of his future probation, the amount of merit which may be at his disposal, his balance in the divine bank, and the price he is called upon to pay in money or in kind, — between all these elements there is not and never has been any known relation. Indeed, there has seldom been a time when the conditions of an indulgence were not subject to grievous doubts in the minds of the best friends of the Church. We are here given many illustrations of such cases, but, happily, in all of them the invalidity was easily removed by a simple declaration of the power that stands for God to the faithful soul, and no harm was done. Dr. Lea's great merit is that he has thus clearly indicated the precise causes of difficulty in his subjects. If one does not find here exact definition of the stock phrases of the indulgence system, one finds at least that exactness is here impossible and why it is so.

As to our author's method, he gives us the clue to it in his brief preface. He has consistently followed the plan of letting the highest authorities on the several topics speak for themselves. His own part has been that of selection and arrangement. He has, as he says, "been sparing of comment, preferring to present facts and to leave the reader to draw his

own conclusions." We owe him thanks that he did not say "*the facts*," for then we should have been bound to inquire "*which facts?*" As it is, he has not committed himself, but has been free to select and arrange at his own discretion. Obviously another writer on the same subject might lay down the same general principle and follow it just as consistently and yet leave an impression totally opposed to that of this book. Facts we have here and in abundance, and that is all the author has promised us. The amount of reading and note-taking that preceded the publication is prodigious. If, as we look over the volume as a whole, the note-book seems a little too much in evidence, we must remind ourselves that in polemics of this sort we have to choose between some such method as this and some form of direct and presumably violent assault. As between these two, we prefer what Dr. Lea has given us. It will satisfy all those who can accept his definition of "*facts*," and those also who cannot will still be at liberty to select a group of other "*facts*" for themselves and arrange them to suit the taste of their own circle of readers.

The most that can be said in praise of any author is that he has done well what he tried to do, and this may, almost without reserve, be said of Dr. Lea. His argument, although put in a form somewhat fragmentary, rises steadily to a climax, if only we have patience to follow it. A certain confusion is sometimes caused by a kind of repetition inevitable in any topical arrangement, where the several topics run into each other so persistently as here. For example, it requires rather careful reading to make quite clear to one's self that there was from an early date, certainly from the third century, a practice of private confession, which Dr. Lea believes, probably with reason, to have been a something exceptional, and, on the whole, not highly approved. This confusion comes from the repetition of references to the same phenomenon in many different connections and from many points of view. It suggests in these volumes a certain lack of "editing." On the other hand, one finds in individual chapters admirable little essays on distinct topics, as, for example, besides those already referred to, in the chapters on absolution, on the classification of sins, on "satisfaction," and on the development of purgatory.

The apparatus of scholarship appears in Dr. Lea's volumes in the form of abundant footnotes with references to works he has consulted, but it is to be regretted that these references were not either more or less complete. One would be grateful for at least one complete statement of the full title of each work referred to and an indication of where this statement is to be found. Still more serviceable, especially in a work dealing with a subject so little studied as this, would be some account, were it never so brief, of the sources most often referred to. On the other hand, we could well spare the repeated references to given pages of the same work, and also the repetition of much-abbreviated titles. By this exchange of space the volume of the book would hardly be increased, while its usefulness to the audience which it primarily addresses would be much greater.

E. EMERTON.